

REMARKS

This Reply is in response to the Office Action mailed on April 21, 2005 in which Claims 1, 3-8, 10, 13-18, 20-22, 26-28, 30, 31 and 33 were allowed; and in which Claims 23, 24 and 34 were rejected. With this response, Claims 23-24 and 34 are amended and Claim 35 is added. Claims 1, 3-8, 10, 13-18, 20-24, 26-28, 30, 31, 33, 34, and 35 are presented for reconsideration and allowance.

I. Claim Objections.

Paragraph 1 of the Office Action objected to Claim 34 noting that Claim 34, which constitutes former Claim 8 rewritten in independent form, appears to inadvertently omit Claim 3. In response, Claim 34 is amended to add the content of former Claim 3. As a result, antecedent basis is provided for "said control" and "said third means". Thus, Applicants request that the objection to Claim 34 be withdrawn.

II. The Rejection of Claims 23 and 24 Under 35 U.S.C. § 102(b) Based Upon George.

Paragraph 3 of the Office Action rejected Claims 23 and 24 under 35 U.S.C. § 102(b) as being anticipated by George, U.S. Patent No. 4,398,712. Claims 23 and 24, as amended, overcome the rejection based upon George.

Claim 23, as amended, recites a system for organizing printer output which includes a curved track, compartments directly attached to the track that are configured to be independently movable along the track, a motor and a controller which generates control signals to the motor to independently control and selectively position said compartments to different positions along the curved track.

Claim 24 recites a printer which includes a curved track, compartments directly attached to the curved track to move along the curved track independent of one another, a motor and a controller configured to generate control signals to the motor to independently control and position the compartments to different positions along the curved track.

George fails to disclose or suggest a system (Claim 23) or a printer (Claim 24) which includes compartments directly attached to a curved track so as to move along the curved track to different positions along the track independent of one another. In contrast, George merely discloses bin plates 1-5 (characterized as the compartments) pivotally attached to quadrant plate 57 (characterized as the curved track). Because bin plates 1-5 are pivotally attached to quadrant plate 57, bin plates 1-5 cannot be moved independently of one another along quadrant plate 57 to different positions along quadrant plate 57 by motor of George. The attachment points of bin plates 105 relative to quadrant plate 57 are fixed and are not adjustable by actuation of a motor. Although George states, "The bin plates themselves are relatively movable apart and together for varying the size of the bin openings." (see col. 3, lines 49-51), this at most implies that bin plates 1-5 may be detached from quadrant plate 57 to reduce the number of bin plates mounted to quadrant plate 57 so as to increase the spacing between consecutive bin plates 1-5. Nothing in George discloses or suggests that the motor of George may somehow be actuated to move bin plates 1-5 to different positions along quadrant plate 57. Accordingly, Claims 23 and 24, as amended, overcome the rejection based upon George.

III. Rejection of Claim 34 Under 35 U.S.C. § 103 Based Upon George, Salgado and Ohmichi.

Paragraph 5 of the Office Action rejected Claim 34 under 35 U.S.C. § 103 as being unpatentable over George, U.S. Patent No. 4,398,712, in view of Salgado et al., U.S. Patent No. 5,898,592, and further in view of Ohmichi et al., U.S. Patent No. 5,551,680. Based upon the remarks which follow, Applicants respectfully request that the rejection of Claim 34 be withdrawn.

Claim 34 recites a collator having an output tray that is rotated about an axis of a curved track so as to expose one or more access doors, expose other printer features or to selectively disable the collator.

Neither George, Salgado nor Ohmichi, alone or in combination, disclose or suggest a collator wherein an output tray may be rotated about a curved track so as

to expose one or more access doors, to expose other printer features or to selectively disable the collator. Paragraph 5 of the Office Action acknowledges that neither George nor Salgado disclose a curved track that is shaped to enable the output trays to be sufficiently rotated to expose one or more access doors, expose other printer features or to selectively disable the collator. As a result, the Office Action attempts to satisfy the sufficiency by relying upon Ohmichi. However, nowhere does Ohmichi disclose that its output trays 30 ever rotate about the axis of the track. In fact, trays 30 merely move upward and downward along the axis of camming members 51 as camming members 51 are rotated. Trays 30 do not rotate about the axis of camming members 51. Trays 30 of Ohmichi do not rotate about an axis of the track. Trays 30 do not rotate about the axis of the track by an extent sufficient to expose one or more access doors, to expose other printer features or to selectively disable the collator as recited in Claim 34.

Moreover, no teaching or suggestion exists for modifying George and Salgado based upon Ohmichi. George discloses a sheet sorter which operates in a completely distinct manner as compared to the sheet sorting apparatus of Ohmichi. In George, plates 1-5 are moved by rotating quadrant plate 57 about an axis. In Ohmichi, output trays 30 never rotate but merely rise up and down in response to rotation to camming member 51. To modify George to include camming member 51 of Ohmichi and its output trays would require a complete reworking of George and would destroy the intended functioning of George or alternatively destroy the intended functioning of Ohmichi. (See MPEP 2143.02.) In addition, neither George nor Ohmichi provide any teaching or suggestion as to how one of ordinary skill in the art would modify George absent the use of Applicant's own disclosure as a blueprint. Accordingly, the rejection of Claim 34, based upon George, Salgado and Ohmichi is improper and should be withdrawn for this additional reason.

IV. Added Claim.

With this response, Claim 35 is added. Claim 35 depends from Claim 34 and further recites that the first output tray and the second output tray are movable along the curved track between a first position in which the first output tray and the second output tray extend in a first plane and a second position in which the first output tray and the second output tray extend in a second plane perpendicular to the first plane to expose one or more access doors, to expose other printer features or to selectively disable the collator.

The prior art of record fails to disclose first and second output trays which are movable between a first position in which the trays extend in a first plane and a second position in which the trays extend perpendicular to the first plane to expose one or more access doors, to expose other printer features or to selectively disable the collator. For example, bin plates 1-5 cannot move between a first position in which bin plates extend in a first plane and a second position in which the bin plates extend in a second plane perpendicular to the first plane. To do so would require that the bin plates of George be movable through at least 90 degrees. However, nowhere does George disclose that bin plates 1-5 may be rotated to at least 90 degrees. In fact, the construction of George prevents bin plates 1-5 from rotating to 90 degrees. Accordingly, added Claim 35 is presented for consideration and allowance.

V. Conclusion.

After amending the claims as set forth above, claims 1, 3-8, 10, 13-18, 20-24, 26-28, 30, 31, 33, 34, and 35 are now pending in this application.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 08-2025. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 08-2025. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 08-2025.

Respectfully submitted,

Date July 18, 2005

By Todd A. Rathe

FOLEY & LARDNER LLP
Customer Number: 22879
Telephone: (414) 297-5710
Facsimile: (414) 297-4900

Todd A. Rathe
Attorney for Applicant
Registration No. 38,276